

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MacLEAN et al

Serial No. 08/776,350

Filed: April 18, 1997

For: TREATMENT OF CANCER USING HSV MUTANT



Atty. Ref.: 620-73

Group: 1642

Examiner: Ungar

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VIA FACSIMILE 703 308 4242
(Phone: 703 305 2181)

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

APR 10 2002

Sir:

DECLARATION PURSUANT TO MPEP §608.01(p)I.A.2. TECH CENTER 1600/2900

1. I, B. J. Sadoff, am a practitioner representing the applicants in the above at the request and direction of the assignee. Attached is an Associate Power of Attorney authorizing me to act in the above.

2. The above-identified application states at page 4, lines 3-6 that the contents of published patent application WO 92/13943 (PCT/GB92/00179, copy attached) is incorporated in the above-identified application by reference.

3. I have reviewed the disclosure of the incorporated reference (i.e., WO 92/13943) and believe the disclosure of WO 92/13943 is, in substance, the same as U.S. Patent No. 6,040,169 (copy attached), which claims benefit of PCT/GB92/00179.

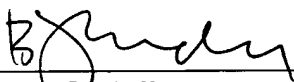
4. Specifically, I note that PCT/GB92/00179 discloses on pages 26-28 that strains 1714 and 1716 have been separately deposited at the European Collection of Animal Cell Cultures, Vaccine Research and Production Laboratories, Public Health Laboratory Services at Porton Down, Salisbury, Wiltshire SP4 0J9, UK on 28th January

1992, and given the Accession Numbers V92012802 and V92012803, respectively.

This disclosure is also found at columns 12-16 of U.S. Patent No. 6,040,169.

5. The amendatory material relating to the material incorporated by reference in the Amendment of January 22, 2001, consists of the same material incorporated by reference in the referencing application.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By  _____
B. J. Sadoff

Date: April 5, 2002